

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Review of EEO Compliance and)	MB Docket No. 19-177
Enforcement in Broadcast and)	
Multichannel Video Programming)	
Industries)	
)	
)	

REPLY COMMENTS OF MENTOR PARTNERS, INC.

Mentor Partners, Inc. (“Mentor”) hereby submits reply comments in response to the Federal Communications Commission’s (“Commission”) Notice of Proposed Rulemaking,¹ which seeks public input on how the Commission can make improvements to equal employment opportunity (EEO) compliance and enforcement.

Mentor is a family owner and operator of several FM licenses and one AM license in the Big Rapids, Michigan area. Through a focused approach to community engagement as well as local news and sports coverage, Mentor provides an important public service to the its community of license and the surrounding area.

Mentor takes its obligations as a licensee of radio broadcast frequencies very seriously. Despite operating at staff levels far below even small market television

¹ *Review of EEO Compliance and Enforcement in Broadcast and Multichannel Video Programming Industries*, MB Docket No. 19-177, Notice of Proposed Rulemaking, FCC 19-54 (rel. June 21, 2019).

broadcast stations, Mentor works to ensure that it meets all Commission regulations, including EEO regulations in Section 73.2080 of the Commission's rules, while also handling numerous other duties involved with keeping a small family-owned radio broadcast operation running. Mentor believes that the Commission's consideration of reforms to its EEO regulations is long overdue, and that changes are particularly needed to address EEO requirements on small broadcasters that are overburdensome and increasingly unconnected to the public interest. Unrelated to the Commission's EEO requirements and its audit program, Mentor is committed to equality and operates its business consistent with that commitment through its hiring practices and across its operation.

Mentor notes its appreciation for Commission efforts to educate small business licensees on its requirements, including in the context of EEO rules. Mentor supports the creation of primer documents for broadcasters which will benefit smaller broadcasters who face resource constraints. We note that state broadcasting associations already play a major role in keeping broadcasters informed as to Commission rules and requirements (e.g., the successful Alternative Broadcast Inspection Program), and should continue to play a role in the development and sharing of any new Commission primers on EEO rules. In other words, new efforts to provide education to broadcasters on Commission rules should build on and utilize, rather than recreate or duplicate, existing successful constructs for broadcaster education and compliance.

The Commission's EEO regulations place a variety of burdens on broadcasters that include public notifications, recordkeeping paperwork requirements, annual

reports, and recurring audits. While these requirements aim to further the public interest, the burdens of compliance with the Commission's EEO regulations are increasingly challenging for small broadcasters like Mentor. Mentor's real challenge with respect to hiring is in finding qualified employees for openings, and needing to constantly recruit; while the intent of the EEO regulations are to ensure that broadcast stations do not withhold employment opportunities from Americans, the reality is that imposing EEO regulations on small broadcasters like Mentor who desperately seek to fill open positions only impose unnecessarily drain resources due to paperwork and audit requirements. Simplistic statistical comparisons of U.S. population demographics to broadcast license ownership and employment do not appropriately account for population parity.

Mentor urges the Commission to align its EEO requirements with numerous other federal agencies in its approach to exempting small businesses from its EEO regulations. For example:

- The SBA defines a "small business" radio stations as an entity having \$38.5M or less in annual receipts;
- The Family and Medical Leave Act applies to any private-sector employer who has 50 or more employees within a 75-mile radius; and
- The Affordable Care Act requires employers to offer health insurance when they have 50 or more employees.

Imposing the Commission's EEO requirements on radio stations with five or more employees is completely unaligned with the federal requirements and definitions

noted above, and imposing EEO requirements on small businesses like Mentor is increasingly at odds with the public interest in promoting small broadcasters success in serving their local communities. Mentor requests that the Commission amend the Small Market Exemption of Section 73.2080(d) to be applicable to any licensee with (1) less than 50 employees or (2) \$38.5M or less in annual receipts consistent with the SBA's definition of a small business radio station. The Commission should acknowledge that imposing per hire/opening EEO documentation requirements is unreasonably burdensome for small broadcasters like Mentor and would unduly interfere with Mentor's constant recruitment efforts.

Finally, today's local market-based employment unit approach permits avoidance of EEO rule compliance for companies with multiple stations in a market, and also needlessly increases paperwork requirements on licensees. Mentor urges the Commission to shift away from its metric used to determine employees in a local market to an alternative approach that is more realistic and avoids gamesmanship by licensees, which result in Mentor, a company with seven fulltime employees, having to conduct the same EEO efforts, outreach, and documentation that a radio company with hundreds if not thousands of employees is required to do. The Commission should have licensees count all employees within a broadcast station group (including affiliates, subsidiaries, and parent corporations) as an employment unit, both for purposes of EEO requirements in Section 73.2080(c) as well as the small business broadcaster exemption calculation under Section 73.2080(d). Such a policy change would advance the public interest by closing a loophole often exploited by larger broadcasting companies to avoid EEO requirements by keeping the station employee count at a unit

under five by using part-time employees and remote workers (or other creative means). Further, the shift would allow a broadcast license group to file a single EEO report, reducing paperwork for licensees and improving the Commission's EEO metrics (permitting more efficient use of the Commission's valuable and limited EEO audit resources).

Mentor appreciates the Commission's consideration of its views in this matter.

/s/_____

MENTOR PARTNERS, INC.

Jeffrey Scarpelli
President
Big Country 100.9 WWBR
Today's Hit Music Y-102 WYBR
Newsradio 1460 107.7 WBRN
18720 16 Mile Rd
Big Rapids, MI 49307

November 4, 2019